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FILE PLAN
6.01

November 18, 1993

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mike McCeney
Remedial Project Manager
Superfund Management Branch
U.S. Environmental Protection Agency, Region VIII
999 18th Street, Suite 500
Denver, CO 80202-2405

Re: Richardson Flat Tailings Site, Summit County, Utah

Dear Mr. McCeney:

I appreciate your taking the time to discuss the status of the Richardson Flat Tailings site with me in our telephone conversation on November 15, 1993. In that conversation, you made one statement which greatly disturbed me: that Region VIII EPA was considering whether to begin some type of remedial action at the site and to allow the State of Utah to direct such remedial action, prior to EPA's responding to United Park City Mines Company's Comments and prior to EPA's making a final decision as to the listing of the Richardson Flat site on the National Priorities List ("NPL").

EPA's requiring such remedial actions on the site at this time would be in direct violation of EPA's express commitment to me, in my capacity at the time as Congressman for the State of Utah, and to United Park City Mines Company ("United Park"), that no Remedial Investigations, Feasibility Studies, or similar remedial actions would be conducted at Richardson Flat until such time as EPA has responded to United Park's Comments concerning the listing and until EPA has made a final decision as to the listing of the Richardson Flat site on the NPL. This commitment was made by Richard J. Guimond, Deputy Assistant Administrator, USEPA, in my office in Washington, D.C. on September 15, 1992 and memorialized, as Mr. Guimond requested, in a memorandum letter to Mr. Guimond from

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Edwin L. Osika, Jr., Executive Vice President of UPC Mine Company dated November 24, 1992.

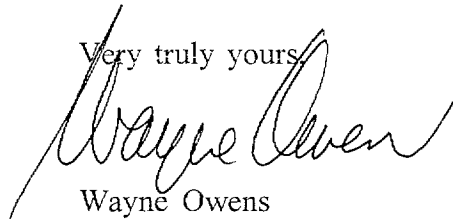
As you know, there is no urgency or need for immediate action at the Richardson Flat site. Mr. Mike Zimmerman, On-Scene Coordinator, Emergency Response Branch, Region VIII EPA, has concluded in his reports under the NPL "Make Sites Safe Initiative," that "there is no immediate threat of a release of hazardous materials from the site" and that the "site does not present an immediate threat to human health and the environment." Moreover, the Agency for Toxic Substances and Disease Registry (ATSDR) Preliminary Public Health Assessment Addendum, dated July 28, 1993, concludes that the "site poses no apparent public health hazard in the past or present."

Consequently, there is no public health or environmental basis for an immediate initiation of remedial action at the site; EPA's timing for such remedial action is entirely discretionary.

Because initiation of remedial action is discretionary, I would certainly think we have a right to rely on Mr. Guimond's commitment. Therefore, I hope we can assume that Region VIII will comply with Mr. Guimond's assurance that EPA will answer United Park's Comments, resolve the pending substantive and procedural issues concerning the site, and finalize a listing decision, before additional funds are spent by EPA, or under EPA's direction, for remedial actions at the site.

Thank you for your cooperation in this matter.

Very truly yours,



Wayne Owens

cc: Edwin L. Osika, Jr.
Rosemary J. Beless, Esq.